

Remarks

The Applicants note the objection to the Drawings and, in particular, Fig. 3 with respect to the reference signs “ θ ” and “e.” The reference sign “ θ ” does not exist in Fig. 3. Instead, the reference sign “e” appears to have been mistaken as “ θ .” The reference sign is, in fact, “e.” Reference to page 18 of the Specification in the last paragraph shows that the reference sign should be “e.” In any event, the Applicants submit a new drawing which clearly shows the “e.” Withdrawal of the objection is respectfully requested.

The Applicants acknowledge the objection to the Specification with respect to the lack of a section containing a brief description of the drawings. The Applicants invite the Examiner’s attention to page 7 of the Specification, where such a section is set forth under the heading “BRIEF DESCRIPTION OF THE DRAWINGS” and is followed by three paragraphs, the paragraphs referring to Figs. 1, 2 and 3, respectively. Withdrawal of the objection is respectfully requested.

The Applicants note the objection to Claims 4, 5, 6 and 10 based on multiple dependencies. Those claims have accordingly been amended to remove the multiple dependency problem.

The Applicants note with appreciation the Examiner’s helpful comment concerning the spelling of “most” in Claim 1. That change has been made. Similar changes have been made in the appropriate locations in the Specification.

The Applicants acknowledge the rejection of Claims 1 – 3 and 7 – 9 under 35 U.S.C. §112, second paragraph. The Applicants have amended Claims 1 and 7 – 9 to overcome that rejection. In particular, Claim 1 has been amended to recite a base fabric for non-coated air bags comprising woven warp and weft yarns in which both the warp yarns and the weft yarns or either of them comprise synthetic fiber multifilaments. The Applicants respectfully submit that such

language provides the structure for the underlying base fabric. Also, the Amendment provides appropriate antecedent basis to “the warp” and “the weft.” Finally, the Applicants note that the “cover factor” is a structural limitation on the fabric. The cover factor of Claim 1 is calculated by the total fineness of the synthetic fiber multifilaments and the texture density as discussed in the Specification on page 12, at lines 7 – 23. Withdrawal of the rejection of Claim 1 based on §112 is respectfully requested.

Claim 2 has been amended to correct a typographical error.

Claims 7 – 9 have been amended to refer to yarns in accordance with the Examiner’s helpful suggestion. Claim 7 has further been amended to remove reference to “fiber” so that there will be no confusion between fibers and multifilaments.

Finally, Claim 8 has been amended to remove “residual” in accordance with the Examiner’s helpful suggestion. Withdrawal of the §112 rejection of Claims 7 – 9 is accordingly respectfully requested.

The Applicants acknowledge the rejection of Claims 1 – 3 under 35 U.S.C. §103 over Fastenau. The Applicants respectfully submit that Fastenau is directed to conventional fibers that are not applicable to this invention. The fibers of Fastenau are of the type mentioned on page 15 of the Applicants’ Specification in the last paragraph, wherein the Applicants disclose that the monofilament cross-section profile of the fibers for air bags of the invention is flattened in Fig. 1, which differs from ordinary oval- or diamond-shaped monofilaments. Reference to Fig. 1 of Fastenau reveals that it is a classic diamond shape which has no application to this invention.

This is further demonstrated in the following text spanning pages 15 and 16 of the Applicants’ Specification wherein they state that the degree of flatness of the monofilament cross

section falls between 1.5 and 8.0, indicated by the ratio of a/b in which a is the length of the largest major axis and b is the length of the largest minor axis of the cross section. The cross section profile is formed by aligning plural circles in a line, for which the diameter of each circle corresponds to the minor axis of the cross section. This is shown in the Applicants' Fig. 1, wherein the arrows b are the diameter of the circles and are also the minor axis of the cross section.

It can be seen by reference to Fig. 1 of Fastenau that, by aligning plural circles in a line that are sized to fit the varying profile of the monofilament, the diameters of each circle do not correspond to the minor axis of the cross section. Therefore, by definition, the flattened cross section monofilaments recited in the claims are in no way taught or suggested by Fastenau. Said differently, the Applicants' flattened cross section monofilaments are defined in a particular way by reference to the text spanning pages 15 and 16 and the diamond-shaped fibers of Fastenau fall outside of that definition. Moreover, there is nothing in Fastenau that would lead one of ordinary skill in the art to make modifications that would fall within the Applicants' definition and there is nothing that would lead one of ordinary skill in the art to have an expectation that such modifications would or could provide any benefit. The Applicants accordingly respectfully submit that Claims 1 – 3 are patentable over Fastenau. Withdrawal of the §103 rejection is respectfully requested.

The Applicants note with appreciation the Examiner's detailed and helpful comments concerning the cover factor and air permeability and their inherency. However, there is utterly no evidence on the record that the cover factor and air permeability would necessarily fall within the claimed ranges. In fact, by virtue of the Applicants' explanations contained within their Specification with respect to the claimed monofilaments versus ordinary oval- or diamond-

shaped monofilaments, one of ordinary skill in the art would have a reasonable expectation that the fabrics of Fastenau would likely have a different cover factor and a different air permeability.

In that regard, it must be remembered that, for an inherency rejection to be sustained, the inherent feature must necessarily follow from the disclosure of the prior art. The fact that that factor might be present or could be present is not enough to sustain the rejection. In this case, the Applicants have specifically stated in their Specification that ordinary oval- and diamond-shaped monofilaments provide different characteristics to the resulting fabrics. Therefore, the Applicants respectfully submit that one of ordinary skill in the art would have a reasonable belief that the cover factor and air permeability of fabrics made from Fastenau would, in fact, be different from those as recited in Claims 1 – 3. Again, the Applicants respectfully request withdrawal of the §103 rejection based on Fastenau.

The Applicants acknowledge the rejection of Claims 1 – 3 and 7 under 35 U.S.C. §103 over JP ‘740. The Applicants were, of course, well aware of JP ‘740, as exemplified by the discussion of that publication on page 3 of their Specification. The Applicants made it clear in that discussion that JP ‘740 is inapplicable because the air permeation through the base fabric produced according to the techniques disclosed in the Applicants’ Specification is not lower than 0.3 cc/cm²/sec under low pressure (124 Pa), and does not satisfy lower air permeation requirements recently established in the art.

Thus, the Applicants have already made it clear on the record that JP ‘740 is inapplicable. In that regard, the Applicants note with appreciation the Examiner’s frank acknowledgment that JP ‘740 fails to teach the cover factor and teaches a different level of air permeability. The Applicants fully agree for the reasons set forth in their Specification. Moreover, the Assignee of this application is the same as the Assignee of JP ‘740 and it is clear from page 3 of the

Applicants' Specification that they did, in fact, test the fabrics of JP '740 and they were found not to have the air permeability of lower than $0.3 \text{ cc/cm}^2/\text{sec}$ under low pressure (124 Pa). Naturally, the air permeability of the fabrics of the invention were tested under the same conditions. Such testing conditions are set forth on pages 26 and 27 of the Applicants' Specification. It is also clear from page 3 of the Applicants' Specification that the Applicants were making a direct, apples to apples comparison between JP '740 and the inventive fabrics.

As a consequence, the Applicants respectfully submit that they have already demonstrated that the air permeability of the fabrics of JP '740 is inherently different from the claimed fabrics as opposed to being inherently the same. Withdrawal of the §103 rejection of Claims 1 – 3 over JP '740 is respectfully requested.

With respect to Claim 7, JP '740 fails to teach the claimed length b of the largest minor axis being at most $15 \text{ }\mu\text{m}$. Careful scrutiny of the entire JP '740 disclosure reveals that there is simply no reference to any size of the minor axis. Accordingly, the Applicants respectfully submit that it would be anything but obvious to make hypothetical modifications to a largest one of the minor axes, much less determine that the size must at most be $15 \text{ }\mu\text{m}$. It must be remembered that there must not only be teachings in the prior art to make the modification, but there would be a reasonable expectation of some benefit that would result from such a modification. In this case, JP '740 is utterly devoid of such teachings. This is fundamentally based on the fact that they do not provide any length of a minor axis, much less the claimed length, or that it is the claimed length of the largest minor axis that is important. Further, there is utterly nothing in JP '740 that would lead one of ordinary skill in the art to believe that any benefit could or would be gained by making such a hypothetical modification.

The Applicants respectfully submit that the rejection provides nothing more than the notorious and forbidden “obvious to try” scenario, which the Federal Circuit has repeatedly struck down on many occasions. The fact that the modification can be made is not the test. The test is whether there are teachings or suggestions that would lead one of ordinary skill in the art to make the modifications and that there would be a reasonable likelihood of the benefit being achieved by such modifications. Both of those factors simply do not exist based on the disclosure of JP ‘740. Withdrawal of the §103 rejection of Claim 7 based on JP ‘740 is respectfully requested.

The Applicants acknowledge the rejection of Claims 7 and 9 under §103 over Aneja. The Applicants respectfully submit that Aneja is simply not applicable. Aneja, much like Fastenau, does not disclose multifilaments having a flattened cross-section. In sharp contrast, Aneja discloses fibers having a scalloped-oval cross section. Thus, by definition, the filaments of Aneja are not multifilaments having a flattened cross section as recited in independent Claim 7.

Moreover, the entire objective of Aneja is to provide the scalloped-oval cross section, which is not even remotely a flattened cross section. There is also no mention of such non-flattened multifilaments in connection with air bags and/or base fabrics for air bags. Accordingly, if one of ordinary skill in the art were to look to Aneja, one of ordinary skill in the art would hardly be expected to make modifications towards a flattened cross section, but would tend to move toward the scalloped-oval cross section. Thus, Aneja would lead one of ordinary skill in the art away from the flattened cross section multifilaments set forth in Claim 7. Also, Aneja fails to teach or suggest the largest minor axis being at most 15 μm . There are no teachings or suggestions in Aneja that would lead one of ordinary skill in the art to make modifications to the scalloped-oval cross section filaments of Aneja and there are no teachings or

suggestions that would lead one of ordinary skill in the art to the reasonable belief that a benefit would or could be gained by making such modifications. Again, as set forth above with respect to JP '740, the teachings of Aneja, at best, set forth the forbidden "obvious to try" scenario, which is not permitted. Withdrawal of the §103 rejection of Claims 7 and 9 based on Aneja is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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